

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN CINDY YOUNKIN**, on March 31, 2003 at 3:16 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Cindy Younkin, Chairman (R)
Rep. Gail Gutsche, Vice Chairman (D)
Rep. Jim Peterson, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Larry Cyr (D)
Rep. Sue Dickenson (D)
Rep. Ron Erickson (D)
Rep. George Everett (R)
Rep. Kim Gillan (D)
Rep. Christopher Harris (D)
Rep. Carol Lambert (R)
Rep. Michael Lange (R)
Rep. Rick Maedje (R)
Rep. Bruce Malcolm (R)
Rep. Brad Newman (D)
Rep. John (Jack) W. Ross (R)
Rep. Scott Sales (R)
Rep. Veronica Small-Eastman (D)

Members Excused: None.

Members Absent: None.

Staff Present: Pamela Schindler, Committee Secretary
Larry Mitchell, Legislative Branch

Video-taped Committee: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted: SB 434, SB 375, 3/24/2003
Executive Action: SB 194-Be Concurred In As Amended
SB 409-Be Concurred In
SB 434-Be Concurred In As Amended
SB 375-Be Concurred In As Amended
SB 366-Be Concurred In As Amended
SB 355 Reconsidered and Failed
SB 350 Failed

HEARING ON SB 434

Opening Statement by Sponsor:

00:00 SEN. JOE TROPILA, SD 24 -- Title of Bill: Removing
Governmental immunity for bad faith.

Proponents' Testimony:

01:00 Mr. Dexter Busby, Montana Refining

EXHIBIT (nah68a01)

05:00 Gail Abercrombie, Montana Petroleum Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

07:00

HEARING ON SB 375

Opening Statement by Sponsor:

08:00 SEN. JIM ELLIOTT, SD 36 -- Title of Bill: An act
restricting the use of baled waster tires.

EXHIBIT (nah68a02)

Proponents' Testimony:

15:00 Frank Crowley, L & S Tire Company

EXHIBIT (nah68a03)

Opponents' Testimony:

27:00 Sarah Carlson, Montana Association of Conservation
Districts

30:00 Vern Reum, Tire Depot, Inc.

EXHIBIT (nah68a04)

35:00 Margie Good, Confederated Salish and Kootenai Tribes
EXHIBIT (nah68a05)

38:00 Brad Griffin, Montana Tire Dealers Association

40:00 Paddy Trusler, Lake County Commissioner

43:00 Don Hilger, Self

EXHIBIT (nah68a06)

44:00 Shiloh Lang, Student-Lake County

45:00 Janet Ellis, Montana Audobon Society

45:00 Stan Frazier, Self

47:00 Rex Lang, Self

52:00 Clint Rice, Self

54:00 David Orin, Self

Informational Testimony: None

Questions from Committee Members and Responses:

1:14:00

Closing by Sponsor:

1:20:00

EXECUTIVE ACTION ON SB 355

Motion/Vote: REP. PETERSON moved SB 355 be REMOVED FROM THE TABLE. Motion carried 14-4 with REPS. CYR, ERICKSON, GUTSCHE, and HARRIS voting no. (voice vote)

Motion: REP. PETERSON moved that SB 355 BE CONCURRED IN.

Motion: REP. MAEDJE moved that SB 355 BE AMENDED.

EXHIBIT (nah68a07)

Discussion:

1:21:00

Vote: Motion that SB 355 BE AMENDED failed on a voice vote.

Vote: Motion that SB 355 BE CONCURRED IN failed 8-10 with REPS. EVERETT, GILLAN, LANGE, NEWMAN, PETERSON, ROSS, SALES, and YOUNKIN voting aye. (roll call vote)

EXECUTIVE ACTION ON SB 194

Motion: REP. PETERSON moved that SB 194 BE CONCURRED IN.

Discussion:

1:33:00

Motion: REP. HARRIS moved that SB 194 BE AMENDED.

EXHIBIT (nah68a08)

Discussion:

1:41:00

Vote: Motion that SB 194 BE AMENDED failed 8-10 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting aye. (roll call vote)

Motion: REP. YOUNKIN moved that SB 194 BE AMENDED.

EXHIBIT (nah68a09)

Vote: Motion that SB 194 BE AMENDED carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting no. (roll call vote)

Motion/Vote: REP. PETERSON moved that SB 194 BE CONCURRED IN AS AMENDED. Motion carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting no. (roll call vote) REP. MAEDJE voted by proxy.

EXECUTIVE ACTION ON SB 350

Motion: REP. PETERSON moved that SB 350 BE CONCURRED IN.

Discussion:

1:57:00

Motion/Vote: REP. YOUNKIN moved that SB 350 BE AMENDED. Motion carried 17-1 with REP. MAEDJE voting no. (voice vote)

Motion: REP. PETERSON moved that SB 350 BE CONCURRED IN AS AMENDED.

Discussion:

2:07:00

Motion/Vote: REP. LANGE moved that SB 350 BE AMENDED. Motion carried 11-7 with REPS. DICKENSON, ERICKSON, GUTSCHE, MAEDJE, NEWMAN, SALES, and SMALL-EASTMAN voting no. (roll call vote)

Vote: Motion that SB 350 BE CONCURRED IN AS AMENDED failed 9-9 with REPS. BARRETT, EVERETT, LAMBERT, LANGE, MAEDJE, PETERSON, ROSS, SALES, and YOUNKIN voting aye. (roll call vote) REP. LAMBERT voted by proxy.

EXECUTIVE ACTION ON SB 409

Motion: REP. PETERSON moved that SB 409 BE CONCURRED IN.

Discussion:

2:27:00

Motion: REP. HARRIS moved that SB 409 BE AMENDED.

EXHIBIT (nah68a10)

Discussion:

2:33:00

Vote: Motion that SB 409 BE AMENDED failed 5-13 with REPS. DICKENSON, ERICKSON, GUTSCHE, HARRIS, and SMALL-EASTMAN voting aye. (roll call vote) REPS. LAMBERT and ROSS voted by proxy.

Motion/Vote: REP. ERICKSON moved that SB 409 BE TABLED. Motion failed 8-10 with REPS. CYR, DICKENSON, ERICKSON, GUTSCHE, HARRIS, MALCOLM, NEWMAN, and SMALL-EASTMAN voting aye. (roll call vote) REPS. LAMBERT and ROSS voted by proxy.

Motion: REP. SMALL-EASTMAN moved that SB 409 BE AMENDED.

EXHIBIT (nah68a11)

Discussion:

2:38:00

Vote: Motion that SB 409 BE AMENDED failed 7-11 with REPS. CYR, DICKENSON, ERICKSON, GUTSCHE, HARRIS, NEWMAN, and SMALL-EASTMAN voting aye. (roll call vote) REPS. LAMBERT and ROSS voted by proxy.

Vote: Motion that SB 409 BE CONCURRED IN carried 10-8 with REPS. CYR, DICKENSON, ERICKSON, GUTSCHE, HARRIS, MALCOLM, NEWMAN, and SMALL-EASTMAN voting no. (roll call vote) REPS. LAMBERT and ROSS voted by proxy.

EXECUTIVE ACTION ON SB 434

Motion: REP. PETERSON moved that SB 434 BE CONCURRED IN.

Motion/Vote: REP. PETERSON moved that SB 434 BE AMENDED. Motion carried unanimously. (voice vote)

Motion: REP. PETERSON moved that SB 434 BE CONCURRED IN AS AMENDED.

Discussion:

2:53:00

Vote: Motion that SB 434 BE CONCURRED IN AS AMENDED carried unanimously. (voice vote)

Vote: Motion that SB 434 be PLACED ON THE CONSENT CALENDAR carried unanimously . (voice vote)

EXECUTIVE ACTION ON SB 375

Motion: REP. SALES moved that SB 375 BE CONCURRED IN.

Discussion:

2:55:00

Motion/Vote: REP. MAEDJE moved that SB 375 BE AMENDED. Motion failed 1-17 with REP. MAEDJE voting aye. (voice vote)

Motion/Vote: REP. NEWMAN moved that SB 375 BE AMENDED. Motion carried unanimously. (voice vote)

Motion/Vote: REP. NEWMAN moved that SB 375 BE CONCURRED IN AS AMENDED. Motion carried 14-4 with REPS. BARRETT, GILLAN, HARRIS, and MAEDJE voting no. (voice vote)

EXECUTIVE ACTION ON SB 366

Motion: REP. LANGE moved that SB 366 BE CONCURRED IN.

Discussion:

3:04:00

Motion/Vote: REP. DICKENSON & REP. GUTSCHE moved that SB 366 BE AMENDED. Motion failed 7-11 with REPS. CYR, DICKENSON, ERICKSON,

GILLAN, GUTSCHE, HARRIS, and SMALL-EASTMAN voting aye. (roll call vote)

EXHIBIT (nah68a12)

Motion: REP. NEWMAN moved that SB 366 BE AMENDED.

Discussion:

3:06:00

Vote: Motion that SB 366 BE AMENDED carried 17-1 with REP. SMALL-EASTMAN voting no. (voice vote)

Motion/Vote: REP. PETERSON moved that SB 366 BE CONCURRED IN AS AMENDED. Motion carried 11-7 with REPS. CYR, DICKENSON, ERICKSON, GILLAN, GUTSCHE, HARRIS, and SMALL-EASTMAN voting no. (roll call vote)

ADJOURNMENT

7:20 P.M.

REP. CINDY YOUNKIN, Chairman

PAMELA SCHINDLER, Secretary

CY/PS

EXHIBIT (nah68aad)